

DD/A Registry

12 JUN 1978

File *Records*

12 JUN 1978

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence

FROM: John F. Blake
Deputy Director for Administration

SUBJECT: HSCA Request to Defer Destruction of Agency Records
Until 31 December 1978

1. Action Requested: None; for information only.

2. Background:

a. On 12 March 1978 you signed a letter to Chairman Stokes of the House Select Committee on Assassinations, requesting their review of Agency records schedules and expressing our desire to begin disposing of records which were clearly of no significance to the HSCA. On 13 April Chairman Stokes acknowledged your letter and expressed some concern that "even normal document destruction could be...misconstrued...." On 17 May 1978 Chairman Stokes sent a letter to Dr. James Rhoads, Archivist of the United States, requesting suspension of our records schedules and deferral of normal disposition under those schedules until 31 December 1978.

b. In a subsequent letter to you, dated 5 June 1978, Dr. Rhoads agrees to this suspension, authorizing the CIA "to retain all disposable records and documents in its custody through December 31, 1978," citing "the potential value of CIA records to the Select Committee's investigation...." He goes on to say that there is no objection to the application of approved disposition schedules after that date.

c. The further delay in disposal of unneeded records is regrettable, but we believe we have made our case as carefully and as persuasively as possible, and at this juncture we do not recommend renewing the effort. We will take the necessary steps to store the growing mass of disposable records, and grit our

teeth over the continuing need to search through many of these records in response to FOIA and Privacy Act requests. We will publish a notice in the fall announcing the resumption of routine records destruction in accordance with approved records schedules on 2 January 1979.

/s/John F. Blake

John F. Blake

Distribution:

Original - Addressee w/background

- 1 - DDCI
- 1 - ER
- 1 - OLC
- 1 - ISAS
- ✓ 1 - DDA Subject w/background
- 1 - DDA Chrono
- 1 - JFB Chrono
- 1 - AI Chrono

STATINTL

ISAS/DDA [redacted] (5 June 1978)

STATINTL

Rewritten: AI/DDA [redacted]:ydc (8 June 1978)

12 JUN 1978

78-63978

16 JUN 1978

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence

FROM: John F. Blake
Deputy Director for Administration

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John F. Blake

STATINTL

STATINTL

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Gerald

National Archives

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Administration Records Service Washington, DC 20408

DD/A Registry

78-0848/3

JUN 5 1978

Admiral Stansfield Turner
Director
Central Intelligence Agency
Washington, DC 20505

Dear Admiral Turner:

As you are aware, the Honorable Louis Stokes, Chairman at the House Select Committee on Assassinations, has requested that a temporary moratorium, extending through December 31, 1978, be imposed on the destruction of all records and documents in the custody of the Central Intelligence Agency (CIA), including those eligible for disposal under approved records disposition schedules. A copy of his letter is enclosed.

In accordance with 44 USC 2909, and 41 CFR 101-11.406-7(b), the Central Intelligence Agency is authorized to retain all disposable records and documents in its custody through December 31, 1978. This action is authorized because of the potential value of CIA records to the Select Committee's investigation into the circumstances surrounding the deaths of President John F. Kennedy and Dr. Martin Luther King, Jr. The National Archives and Records Service has no objection to CIA applying its approved disposition schedules to its records after that date.

Your cooperation in this important matter is appreciated.

Sincerely,

JAMES B. RHOADS
Archivist of the United States

Enclosure

cc: Honorable Louis Stokes

J. LOUIS STOKES, OHIO, CHAIRMAN
RICHARDSON PREYER, N.C.
WALTER E. FAUNTROY, D.C.
YVONNE BRATHWAITE BURKE, CALIF.
CHRISTOPHER J. DODD, CONN.
HAROLD E. FORD, TENN.
FLOYD J. FITHIAN, IND.
ROBERT W. EOGAR, PA.
SAMUEL L. C. OHIO
CHARLES THONG, NEBR.
HAROLD S. SAWYER, MICH.

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Select Committee on Assassinations

U.S. House of Representatives

3331 HOUSE OFFICE BUILDING, ANNEX 2

WASHINGTON, D.C. 20515

May 17, 1978

(202) 225-4624

DD/A Registry

78-659/6
78-0212/4
0848/3

The Honorable James B. Rhoads
Archivist of the United States
National Archives and Records Service
Washington, D. C. 20408

Dear Mr. Rhoads:

In connection with the Select Committee's investigation into the circumstances surrounding the deaths of President John F. Kennedy and Dr. Martin Luther King, Jr., I am writing with respect to the moratorium on the destruction of documents originally imposed on all Federal agencies by the Church Committee on January 27, 1975, and which was subsequently lifted by Chairman Inouye of the Senate Select Committee on Intelligence on December 21, 1977.

The Select Committee is aware of the tremendous burden placed on the agencies and, in particular, the National Archives and Records Service by this moratorium. Nevertheless, it is my understanding that it was voluntarily accepted and adhered to by everyone concerned.

Although this moratorium was not originally imposed by the Select Committee on Assassinations, we have requested that it be continued through December 31, 1978, with respect to all records and documents of the Central Intelligence Agency. Other arrangements have been worked out with the other agencies. After December 31, 1978, this Committee will have no objection to the Agency returning to the normal disposition of its records. In this connection, we also request that you suspend approval of existing schedules until December 31, 1978.

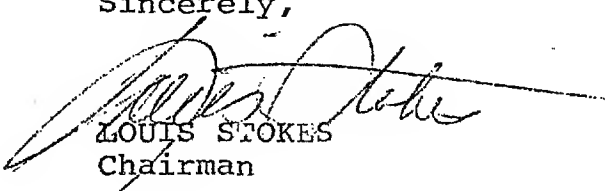
The Members of this Committee are cognizant that the CIA has made an effort to respond to the numerous requests from the Committee staff for access to documents that might have any bearing on our investigation, and we regret any adverse effect this request will have on the National Archives or the Agency.

The Honorable James B. Rhoads
May 17, 1978
Page 2

Nevertheless, we feel that the risk, no matter how small, that a document relevant to our investigation might inadvertently be destroyed, cannot be justified in order to avoid an additional burden on the Agency or the Archives. Every file that this Committee requests access to has the potential of being pertinent in the final outcome of our investigation, and it is impossible, at any one point, to determine specifically which files we will need to see before the completion of our work. I think you will agree with me that it is extremely important that this Committee's investigation into the conduct of the intelligence community be conducted with both the appearance and the reality of thoroughness, fairness and objectivity, and that there not be either an appearance or the reality of the destruction of documents that might ultimately have some bearing on the outcome of the investigation.

The Select Committee is most appreciative of your cooperation in providing access to materials in the Archives, and your special efforts to preserve evidence that was deteriorating due to public access by withholding such evidence until such time as our staff has an opportunity to properly review it. We would be, therefore, most grateful for your assistance with this additional request.

Sincerely,



LOUIS STOKES
Chairman

LS:dm

cc: Admiral Stansfield Turner
Director of Central Intelligence

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10 29 1978

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LOUIS STOKES, OHIO, CHAIRMAN
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(202) 225-4624

Select Committee on Assassinations

U.S. House of Representatives

3331 HOUSE OFFICE BUILDING, ANNEX 2

WASHINGTON, D.C. 20515

April 13, 1978

Executive Registry

W/A Registry

Admiral Stansfield Turner
Director of Central Intelligence
Central Intelligence Agency
Washington, D. C. 20505

Dear Admiral Turner:

This will acknowledge your letter of March 12, 1978, in reference to the moratorium on the destruction of Agency records, originally invoked by the Church Committee, but lifted by Chairman Inouye of the Senate Select Committee on Intelligence on December 21, 1977.

I have delayed in responding to your letter in the hope that it might be possible for the Committee to indicate that it has no objection to the resumption of the normal process of document destruction. Unfortunately, I cannot, at this time, give to the Agency an indication that the Committee's review of the Agency's files relevant to our investigation has progressed to the point where it would be no longer appropriate for the Committee to request that the normal document destruction process not resume. I am sure that you will agree with me that for the Agency to begin even normal document destruction could be, at this time, misconstrued by those concerned about the openness and thoroughness of the Committee's investigation. I make this observation without implying in any regard that the Agency has not been cooperative with the Committee.

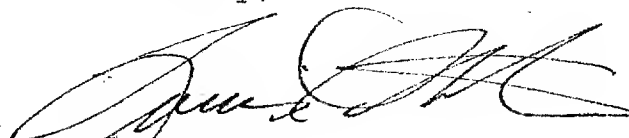
It might be helpful if Professor Blakey, the Chief Counsel and Staff Director of the Committee, were to sit with appropriate representatives of the Agency to work out a reasonable time frame within which the needs of the Committee - as well as appropriate appearances - can be met, consistent with the Agency's obligations under law. I am sure that Professor Blakey will be

Admiral Stansfield Turner
April 13, 1978
Page 2

available at any convenient time to work out, subject to Committee approval, a satisfactory arrangement. You may, of course, have the appropriate person in the Agency get in contact with him directly at 225-9381.

With kind regards, I am

Sincerely,

A handwritten signature in dark ink, appearing to be "Louis Stokes", written in a cursive style.

LOUIS STOKES
Chairman

LS:gbd

APR 17 12 51 PM '78

E R

ILLEGIB

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DD/A Registry
78-0848

78-0848

DD/A Registry

File Records

MEMORANDUM FOR: Director of Central Intelligence
FROM: John F. Blake
Deputy Director for Administration
SUBJECT: Records Destruction Policy

1. Action Requested: Approval of a Headquarters Notice establishing records destruction policy for CIA, and approval of a letter informing the House Select Committee on Assassinations of our intention to implement this policy.

2. Background:

a. The Agency has made two formal commitments in which we stated that we would not destroy records without the specific approval of two Congressional Committees conducting investigations involving CIA. One of these commitments has been fulfilled; the other has not. We wish to fulfill the second commitment now, so that we may proceed to destroy those records that have been approved for disposal by the Archivist of the United States. We have been accumulating these records for three years, and we are running out of space to store them. The continued possession by the Agency of several categories of records is in violation of the Privacy Act of 1974 and Executive Order 12036 and--once immediate disposition has been approved by the Archivist--the statutes and regulations which govern the maintenance and disposal of federal records. Furthermore, when we receive new search requirements under FOIA/PA, litigation, or investigations, we must consider those records that already have been authorized for disposal but have not been destroyed.

b. The first formal commitment was made by Director Bush in a letter to the Senate leadership dated 22 June 1976. In the letter Mr. Bush stated that we would submit our records control schedules to the Senate Select Committee on Intelligence for approval prior to destroying any records. This has been done, and many of the records listed have been reviewed by members of the SSCI staff. In a letter to SSCI Chairman Inouye dated 18 June 1977, you requested that he expedite the Committee's clearance of records for destruction. Finally, in a letter to you dated 21 December 1977, Senator Inouye noted the "moratorium" had expired and therefore we may return to normal records destruction policies.

Approved For Release 2003/04/17 : CIA-RDP81-00142R000600050003-1

c. The second formal commitment was made by Director Bush in a letter to Chairman Downing of the House Select Committee on Assassinations dated 9 December 1976. In this letter Mr. Bush stated that we would make available to the Committee our records control schedules at the same time they were submitted to the SSCI, and that we would not destroy any records until the Committee notified the Agency that it had completed its review of the schedules and had no objection. When the Committee was first organized, records schedules were shown to Mr. Richard Sprague, then Staff Director. No action was taken due to the internal Committee turmoil leading to the termination of Sprague and a new Chairman, Representative Stokes. When we recently offered to submit the schedules, the Committee's present Chief Counsel and Director, G. Robert Blakey, stated they were in the peak of their review of CIA files and suggested we postpone further action on this matter for 6 weeks. He did, however, express his willingness to cooperate with the Agency at that time.

d. We are now caught in a dilemma. On the one hand, we are legally required to implement the disposition instructions by the Archivist. On the other hand, we are committed to refrain from implementing the instructions until notified by the HSCA. We must take affirmative action to resolve this dilemma.

STATINTL e. The records destruction policy to be established in [redacted] (attached) includes safeguards to protect records of interest to investigating committees, including the HSCA. We propose that the notice be published now, in order to inform Agency employees of our "post-moratorium" destruction policy and to get on with the proper review, screening, and documentation of our records. We also propose that a copy of the notice be sent to the HSCA along with one representative records schedule; the remaining records schedules will be forwarded 1 April. The transmittal letter (attached) states that we will implement the approved records disposals beginning 1 May 1978. This letter will update our commitments of 9 December 1976 and establish our intent to comply with mandatory records disposal requirements.

3. Staff Position: The Offices of Legislative Counsel and General Counsel agree with the substance of this memorandum.

4. Recommendations:

a. That you sign the attached Headquarters Notice [redacted] CIA Records Destruction Policy.

b. That you sign the attached letter to the House Select Committee on Assassinations.

[redacted]
John F. Blake

Attachments:

STATINTL

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Approved For Release 2003/04/17 : CIA-RDP81-00142R000600050003-1

6 MAR 1978

78-6598

MEMORANDUM FOR: Director of Central Intelligence

FROM: John F. Blake
Deputy Director for Administration

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SUBJECT: Records Destruction Policy

Approved For Release 2003/04/17 : CIA-RDP81-00142R000600050003-1

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STATINTL

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4. Recommendations:

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a. That you sign the attached Headquarters Notice [] CIA Records Destruction Policy.

b. That you sign the attached letter to the House Select Committee on Assassinations.

/s/John F. Blake

John F. Blake

Attachments:

As stated

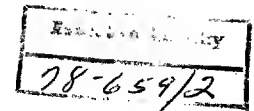
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STATINTL

Approved For Release 2003/04/17 : CIA-RDP81-00142R000600050003-1

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12 MAR 1978



Honorable Louis Stokes
Chairman, Select Committee on Assassinations
United States House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

In a letter dated 9 December 1976 to a former Chairman of the Select Committee on Assassinations, the Honorable Thomas V. Downing, the former Director of Central Intelligence, Mr. George Bush, gave assurance that no records related to the Committee's investigations would be destroyed once the moratorium on the destruction of Agency records, invoked by the Church Committee, was lifted. Chairman Inouye of the Senate Select Committee on Intelligence, lifted the moratorium as of 21 December 1977.

In disposing of its records, CIA, like all Federal agencies, is subject to relevant provisions of Federal law. We have completed the records control schedules which are required by law and 21 of these 22 schedules have been approved by the Archivist of the United States. These schedules describe in some detail the Agency's files, govern the periods for which these files may properly be retained, and establish the timetable for their disposal. I should point out that once the Archivist approves these records schedules the disposition instructions and destruction schedules incorporated therein become obligatory upon the Agency under law.

We are most anxious to resume normal document destruction since the moratorium covered all Agency documents and this has created a tremendous administrative burden. My Legislative Counsel raised this subject with Mr. Blakay and he requested that a detailed discussion be deferred for another month when he contemplates that most of the review of CIA documents will be completed. Accordingly, at the end of March 1978, we will arrange for delivery of the schedules to you for Committee review and for a briefing of the Committee staff concerning the details contained in these records schedules. I am enclosing a copy of one of these schedules to illustrate that the records which are now being held are in the most part temporary in nature and are not in any way related to the matters your Committee is investigating.

I have also enclosed a copy of our recent Headquarters Notice, entitled CIA Records Destruction Policy. You will note that this destruction policy incorporates a number of safeguards against the destruction of records which may be pertinent to the needs of the Congress in general, and your Committee in particular.

We are planning to resume normal destruction on 1 May 1978 which should provide sufficient time for the Committee to complete its review of the schedules. It is my belief that this policy is fully responsive to the requirements of your investigation while enabling the Agency to comply fully with the requirements of the law.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER

Enclosures

Distribution:

Original - Addressee

- 1 - DCI (w/
- 1 - DDCI (w/
- 1 - ER (w/
- 1 - OGC (w/
- 1 - OLC (w/
- 2 - DDA (w/
- 1 - AI/DDA
- 1 - ISAS (w/

STATINTL

ORIGINATED BY: 

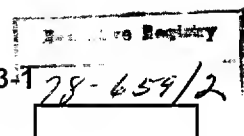
6/15/78

STATINTL

3/1/78
DATE

This Notice Expires 1 April 1979

Approved For Release 2003/04/17 : CIA-RDP81-00142R000600050003-1
RECORDS AND CORRESPONDENCE



STATINTL

CIA RECORDS DESTRUCTION POLICY

STATINTL

Rescission: dated 7 September 1976

Reference :

1. This notice informs CIA employees of the requirements that must be met before Agency records may be destroyed. In a letter to the DCI dated 21 December 1977, the Chairman of the Senate Select Committee on Intelligence noted in part that the "moratorium" on destruction of intelligence and investigative records originally requested by the Senate had expired and therefore "all agencies maintaining records pursuant to the moratorium may return to normal records destruction policies." The requirements of the Agency's "normal records destruction policies" are outlined in this paragraph, and procedures are presented in paragraph 2. These requirements and procedures are effective upon publication of this notice; however, certain aspects of destruction approval are being worked out with Congress. Therefore, no records may be destroyed until publication of a second notice authorizing such destruction.

a. The United States Code, Title 44, Chapter 33, Disposal of Records, defines "records" as including "all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that Agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them." (44 U.S.C. 3301) ¹

b. Federal records may not be destroyed without prior authorization by the Archivist of the United States. The Archivist authorizes destruction by signing Standard Form 115, Request for Records Disposition Authority, which identifies series of related records and specifies the time for their destruction. Within the Agency, CIA Form 139, Records Control Schedule, which includes additional detail, is used to implement the dispositions approved on SF 115. Copies of SF 115 and Form 139 are provided to the Senate Select Committee on Intelligence at least 60 days prior to their implementation.

¹ "Records" include documents, whether in "soft" files or "official" files, that deal with record matters as defined above and are not merely duplicates of official record copies filed elsewhere in the Agency; records also include such things as appointment calendars, diaries, and notes if they deal with record matters as defined above.

STATINTL

RECORDS AND CORRESPONDENCE

Approved For Release 2003/04/17 : CIA-RDP81-00142R000600050003-1

c. Other considerations are of equal importance in deciding whether to destroy CIA records. These considerations include legislation such as the Freedom of Information Act and the Privacy Act, litigation such as Federal antitrust suits and personal lawsuits, and matters under investigation by the Department of Justice or Congress. Although records subject to legal or investigative requirements are identified when a requirement arises, it is necessary to ensure that they are not inadvertently destroyed. Therefore, before destroying any Agency records, whether on paper, magnetic tape, film, or other recording media, it must be determined that there are no actual or impending legal or investigative requirements for the records.

2. The Agency Records Management Officer (Chief, Information Systems Analysis Staff, DDA), in coordination with other Agency officials, is responsible for ensuring that CIA records are properly maintained and destroyed in accordance with the above requirements. To ensure compliance, the following steps must be taken:

a. Before destroying any records, each employee must consult the component Records Management Officer (RMO) and the custodian of the records to verify that the records are scheduled for immediate destruction on an approved Form 139, Records Control Schedule. If the records are not scheduled for immediate destruction, they may not be destroyed unless the Agency RMO obtains approval to amend the records control schedule by submitting an SF 115, Request for Records Disposition Authority, to the Archivist of the United States.

b. Records relating to pending Freedom of Information Act or Privacy Act requests to the Agency are subject to additional retention periods established by the Archivist and included in the records control schedules. Normally, requested records are duplicated in their entirety at the time of a request, and the duplicate copies are maintained in accordance with the retention period for the related request. However, if such duplication is not practical, the records are instead flagged at the time of the request, using Form 4016, Information Request Flag, and must be segregated later from the records series at the time the records series is being processed for destruction. Alternatively, all records in process for destruction may be checked against an automated index of FOIA/PA requirements.

c. It also must be determined that records being processed for destruction are not related to actual or impending litigation or to matters under investigation by the Department of Justice or Congress. The initial determination will be made by the component RMO and the custodian based on their review of the records and on information provided by the General Counsel to the component RMO through the Agency and directorate RMO's. If the initial review raises any question as to actual or impending legal or investigative requirements for the records,

Approved For Release 2003/04/17 : CIA-RDP81-00142R000600050003-1

authority to destroy them must be obtained by routing Form 141c, Request for Authorization to Retain or Destroy Questionable Records, through the custodian and the component and directorate RMO's to the Records Administration Branch, ISAS. The Agency RMO will obtain the concurrence of the General Counsel prior to approving the actual destruction of the records. (If approval is denied, the Agency RMO must submit to the Archivist a request for authorization to retain the records longer than originally scheduled.)

d. Records authorized for destruction under the above procedures still may not be destroyed until further notice. In the interim such records will be deposited in the "destruction holding area" at the Agency Archives and Records Center.

3. "Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents" are excluded from the 44 U.S.C. 3301 definition of "records" and may be destroyed when no longer needed.²

4. Questions on implementing this policy should be directed to the component Records Management Officer.

/s/ Stansfield Turner

STANSFIELD TURNER
Director

Attachments:

1. Form 141c
2. Form 4016

DISTRIBUTION: ALL EMPLOYEES

² "Non-records" include:

"Reading file" or "chrono" copies of correspondence that are duplicates of the record copies filed in subject or project files.

"Tickler", "follow-up", or "suspense" copies of correspondence.

Identical duplicate copies of documents maintained in the same file.

Extra copies of printed or processed materials, official copies of which have been retained for record purposes.

Library reference collections of documents produced by other agencies, where the originating agency is responsible for maintaining the record copy.

Superseded manuals and other directives, maintained outside the office responsible for retaining the record set.

Routing slips and transmittal sheets without written comment of record value.

Drafts and stenographic materials which have been transcribed; reproduction materials such as stencils, hectograph masters, and offset plates.

Blank lotus.

Catalogues, trade journals, and similar externally produced publications which require no action and are not part of a case upon which action is taken.

Desk calendars and notes which do not deal with record matters as defined in paragraph 1a above.

STATINTL

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Next 1 Page(s) In Document Exempt

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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

OLC 76-1692/b

Honorable Hugh Scott
United States Senate
Washington, D. C. 20510

22 JUN 1976

(IDENTICAL LETTER SENT SEN. MANSFIELD)

Dear Senator Scott:

In accordance with your letter of 10 June 1976, we have extended the period of the moratorium on the destruction of certain records which were the subject of your letter of 27 January 1975 in connection with S. Res. 21. The moratorium will expire on 10 December 1976.

In addition, before any such records are destroyed, we shall transmit to the Senate Select Committee on Intelligence copies of the record schedules which are submitted to the National Archives and Record Service for their approval prior to the destruction of any records. The same will be done with respect to those routine administrative records which, although not involved under S. Res. 21, were withheld from routine destruction during the life of that Resolution. I am confident that suitable arrangements can be made for review of documents before they are destroyed if this is the desire of the Select Committee.

It is hoped that these arrangements are fully responsive to the wishes of you and the Senate Select Committee on Intelligence as outlined to me in your letter of 9 June and Chairman Inouye's letter of 8 June to you.

Sincerely,


George Bush
Director

cc: Chairman Daniel Inouye
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